

THE 2009 CONNECT AMERICA ACTION'S FALSE ADVERTISING CLAIM

4. In its 2013 Connect America/LifeWatch Complaint, Life Alert included a fifth cause of action against Connect America and Mr. Gross for "False Advertising Under 15 U.S.C. § 1125(a)." This "False Advertising" claim against Connect America and Mr. Gross in the 2013 Connect America/LifeWatch Complaint solely based on the core message in Connect America's advertising that "it has been providing emergency response services for more than thirty-five years," even though "Connect America was formed in or about 2004 and has been in business for approximately ten years." (See 2013 Connect America/LifeWatch Complaint, ¶s 137-138.)

5. Life Alert did not assert a separate cause of action against Connect America or Mr. Gross for "False Advertising" in Life Alert's 2008 Connect America Complaint or 2009 Connect America Complaint.

6. In its 2009 Connect America Complaint, Life Alert asserted a second cause of action against Connect America and Mr. Gross for "Violation of Lanham Act, 15 U.S.C. § 1125(a)(1)(A) and (B)," and within that cause of action, alleged that the acts of Connect America and Mr. Gross "as alleged above, as well as others, also constitute false advertising in violation of the Lanham Act, as amended, 15 U.S.C. § 1125(a)(1)(B)."

7. Life Alert's "false advertising" allegations in its second cause of action in the 2009 Connect America Complaint did not explicitly relate to Connect America's advertising as to how long it has been providing emergency response services.

THE 2013 CONNECT AMERICA SETTLEMENT AND THE 2013 CONNECT AMERICA ESCROW AGREEMENT MUST BE READ TOGETHER

8.

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The terms of the 2013 Connect America Settlement Documents contain strict confidentiality provisions and therefore I hereby designate Paragraphs 8-10 of this Declaration as "Confidential" pursuant to the Protective Order in this action.

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CONFIDENTIAL

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on May 15, 2015 in Encino, California.

Dated: May 15, 2015

A handwritten signature in black ink, appearing to read "Ralph C. Loeb", is written over a horizontal line.

Ralph C. Loeb, Esq.